

Application No.: 10/577,566
Filing Date: April 27, 2006

REMARKS

The Examiner rejects Claims 1–19 in a Non-Final Office Action dated June 6, 2011. By the present amendment, Claims 1, 3–10, 12, 13, and 15–18 have been amended. Support for the amendments can be found, for example, in the previously pending claims and the *Specification* at ¶ [0061]. Claim 19 has been cancelled without prejudice. Thus, Claims 1–18 are pending in the application. Accordingly, no new matter has been added. Applicant respectfully requests reconsideration and allowance of the application in view of the amendments set forth above and the remarks that follow.

Discussion of Notice of Non-Compliant Amendment

The Notice of Non-Compliant Amendment indicated the lack of a claim number in the recitation of Claim 13 following “according to claim.” This portion of Claim 13 has been amended to its previous form reciting “according to claim 1.”

Discussion of Claim Rejections – 35 U.S.C. § 102

Claims 1–16, 18, and 19 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,553,294 to Lazzaro (hereinafter “*Lazzaro*”). Claims 1–16, 18, and 19 also stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,929,619 to Fago, *et al.* (hereinafter “*Fago*”). A rejection under 35 U.S.C. § 102 is proper only if all of Applicant’s claimed elements are disclosed by the cited reference. *See* M.P.E.P. § 2131. Applicant respectfully submits that *Lazzaro* and *Fago* fail to teach all the elements of the claims.

In one aspect, Applicant describes a chemical liquid injector for injecting a liquid into a patient, such as for imaging diagnostic purposes (e.g., CT scanner, MRI apparatus, or PET apparaus). *Specification* at ¶ [0001]. In one implementation, an operator can easily input data for a test injection through an injection head located in the scan room without moving between the scan room and the control room. For example, the operator may input the test injection data and check the data through the injector head while checking an extension tube near the patient in the scan room. *See, e.g., Specification* at ¶ [0130].

Claim 1 – Lazzaro

Claim 1 as amended recites, in part, “a sub operation panel, formed as a touch panel in cooperation with the sub display … wherein … data for the test injection is configured to be input through the sub operation panel and displayed on the sub display.” Applicant respectfully submits that *Lazzaro* fails to describe at least this feature of Claim 1.

Lazzaro is generally directed to “medical injectors, and syringes, syringe interfaces, syringe adapters and syringe plungers for use therewith.” *Id.* at col. 1, ll. 6–8. *Lazzaro* describes an injector head (5500) intended to be used in a scan room. *See, id.* at col. 53, ll. 39–47. Figure 128A shows the injector head having a display area (6300). However, the injector head does not have “a sub operation panel, formed as a touch panel in cooperation with the sub display … wherein … data for the test injection is configured to be input through the sub operation panel and displayed on the sub display” as recited in amended Claim 1.

Furthermore, *Lazzaro* states: “Preferably, injector 5500 requires the operator to perform a check for air in the fluid path as known in the art. In that regard, the injector system can prevent injection until an air check confirmation button or switch 6150 on scan room unit interface 6100 is activated.” *Id.* at col. 54, ll. 58–62. According to this description, an injector in an implementation of *Lazzaro* may be configured to perform an air check test. An air check test generally includes performing an injection with a small amount of liquid to discharge air from a tube. As described in *Lazzaro*, the protocol (e.g., injection rate and time) for this air check test is predetermined. Accordingly, there is no need for operator to input data for the test injection. For this reason, *Lazzaro* fails to describe “a sub operation panel, formed as a touch panel in cooperation with the sub display … wherein … data for the test injection is configured to be input through the sub operation panel and displayed on the sub display” as recited in amended Claim 1.

Therefore, Applicant respectfully requests withdrawal of the rejection to Claim 1 because *Lazzaro*, for at least the reasons discussed above, fails to describe all the features of amended Claim 1.

Claim 1 – Fago

Claim 1 as amended recites, in part, “a sub operation panel, formed as a touch panel in cooperation with the sub display … wherein … data for the test injection is configured to be input through the sub operation panel and displayed on the sub display.” Applicant respectfully submits that *Fago* fails to describe at least this feature of Claim 1.

Fago is generally directed to an “injector 20 that may be used to deliver radiographic contrast media and/or flushing solution into a patient's vascular system for the purposes such as obtaining enhanced diagnostic x-ray images.” *Id.* at Abstract. *Fago* discusses, for example in Figure 1A, an injector (20) and a remote console (44). While the injector (20) may include a small display (“status display 34” shown in Figure 1A), nowhere does *Fago* describe this display as “a sub operation panel, formed as a touch panel in cooperation with the sub display” as recited in amended Claim 1. Furthermore, *Fago* describes the display as being used for presenting information. This is different than “a sub operation panel, formed as a touch panel in cooperation with the sub display … wherein … data for the test injection is configured to be input through the sub operation panel and displayed on the sub display” as recited in amended Claim 1 because the panel of Claim 1 may be used for inputting information.

Therefore, Applicant respectfully requests withdrawal of the rejection to Claim 1 because *Fago*, for at least the reasons discussed above, fails to describe all the features of amended Claim 1.

Discussion of Claim Rejections – 35 U.S.C. § 103

Claims 1–19 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Lazzaro* in view of U.S. Patent Publication No. 2003/0028144 to Duchon *et al.* (hereinafter “*Duchon*”) and further in view of U.S. Patent Publication No. 2004/0193328 to Zaitsu *et al.* (hereinafter “*Zaitsu*”). It remains well settled law that a finding of “obviousness requires a suggestion of all limitations in a claim.” *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (cited in *Ex Parte Wada*, 2008 WL 142652, 4 (B.P.A.I. Jan. 14, 2008)); *see also In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991) (to establish a *prima facie* case of obviousness, the prior art references must teach or suggest all of the claim limitations); *and M.P.E.P.*

§ 2143.03. Applicant respectfully submits that *Lazzaro* alone or in combination with one or more of the cited references fails to suggest all the features of the claims.

Claim 1

Applicant respectfully submits that the remarks above regarding why *Lazzaro* fails to describe all the features of Claim 1 under 35 U.S.C. § 102 apply to traverse the rejection under 35 U.S.C. § 103. *Duchon* and *Zaitsu* also fail to describe all the features of Claim 1.

Claim 1 as amended recites, in part, “a main operation panel for accepting an input action of the data to the computer unit; a sub display for displaying data as output from the computer unit; [and] a sub operation panel, formed as a touch panel in cooperation with the sub display.” Applicant respectfully submits that *Duchon* and *Zaitsu* fail to teach these at least these features of Claim 1.

Duchon is generally directed to an “angiographic injector system and a method of controllably delivering medical fluid to a patient from an angiographic injector system.” *Id.* at Abstract. *Duchon* discusses that the system includes a “control panel 400.” *Id.* at ¶ [0154]; *see also* Figure 9A. However, *Duchon* further describes the system wherein “the user interface 54 , the control switches 56 and the display 58 of the first described embodiment have been consolidated into a single control panel 400.” *Id.* Accordingly, *Duchon* does not describe a system comprising “a main operation panel for accepting an input action of the data to the computer unit; a sub display for displaying data as output from the computer unit; [and] a sub operation panel, formed as a touch panel in cooperation with the sub display” as recited in amended Claim 1.

In one respect, *Zaitsu* describes a “medical pump monitor system administering medical fluids using a plurality of medical pumps for one patient, and managing information of these medical pumps collectively, a controlling method therefore, and a computer-readable memory associated with control thereof.” *Id.* at ¶ [0001]. The system discussed in *Zaitsu* includes medical pumps (Figure 1, elements 103-106). The system further includes a display unit (Figure 1, element 101). However, *Zaitsu* fails to describe a “chemical liquid injector ... comprising ... a main operation panel for accepting an input action of the data to the computer unit; a sub

Application No.: 10/577,566
Filing Date: April 27, 2006

display for displaying data as output from the computer unit; [and] a sub operation panel, formed as a touch panel in cooperation with the sub display” as recited in amended Claim 1.

Therefore, Applicant respectfully requests withdrawal of the rejection to Claim 1 because, for at least the reasons discussed above, *Lazzaro* alone or in combination with one or more of the cited references fails to describe all the features of Claim 1.

Discussion of Dependent Claims

Claims 2–18 are pending, depend directly or indirectly from base Claim 1, and further define additional technical features. In view of the asserted patentability of their base claims and in further view of the additional features recited in these dependent claims, Applicant respectfully submits that the dependent claims are patentable over the references of record. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompt allowance of these claims. Furthermore, Applicant does not necessarily agree with the characterizations of the references of record made by the Examiner in rejecting the original dependent claims.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Application No.: 10/577,566
Filing Date: April 27, 2006

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the cited reference discloses or teaches, even if not expressly discussed herein.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Application No.: 10/577,566
Filing Date: April 27, 2006

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP


By: _____

Eric M. Nelson
Registration No. 43,829
Attorney of Record
Customer No. 20,995
(858) 707-4000

12115710
101811